

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

<b>IN RE:</b>	:	
<b>ARON GUTTIN</b>	:	<b>BK. No. 17-17469-mdc</b>
<b>Debtor</b>	:	
	:	<b>Chapter No. 13</b>
<b>U.S. BANK NATIONAL ASSOCIATION</b>	:	
<b>Movant</b>	:	
<b>v.</b>	:	
<b>ARON GUTTIN</b>	:	<b>11 U.S.C. §362</b>
<b>Respondent</b>	:	
	:	

**MOTION OF U.S. BANK NATIONAL ASSOCIATION FOR RELIEF FROM AUTOMATIC  
STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor ARON GUTTIN.

1. Movant is **U.S. BANK NATIONAL ASSOCIATION**.
2. Debtor, ARON GUTTIN is the owner of the premises located at **9584 STATE ROAD UNIT B, PHILADELPHIA, PA 19114**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.
7. As of November 17, 2018, Debtor has failed to tender post-petition mortgage payments for the months of December 2017 through November 2018. The monthly payment amount for the months of December 2017 through November 2018 is \$927.24, for a total amount due of \$11,126.88. The next payment is due on or before December 1, 2018 in the amount of \$927.89. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-

8. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

9. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

10. Movant requests that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **9584 STATE ROAD UNIT B, PHILADELPHIA, PA 19114** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire  
Thomas Song, Esq., Id. No.89834  
Phelan Hallinan Diamond & Jones, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
Phone Number: 215-563-7000 Ext 31387  
Fax Number: 215-568-7616  
Email: Thomas.Song@phelanhallinan.com

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